

AMENDED

TEMPORARY

Serial No.

61434

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**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office... AUG 01 1995Returned to applicant for correction... AUG 08 1995Corrected application filed... AUG 14 1995Map filed... AUG 14 1995The applicant... United States Gypsum CompanyP.O. Box 130

Street and No. or P.O. Box No.

of Empire

City or Town

Nevada, 89405

State and Zip Code No.

hereby make s. application for permission to change the

Point of Diversion of a Portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under... Certificate 8042 - 25768

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is... Underground

Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.557 ft.³/sec. 5 million gallons (15.344 acre feet)

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

per year

3. The water to be used for... Manufacturing and Domestic

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for... Manufacturing and Domestic

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point... Within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13,

Describe as being within a 40-acre subdivision of public survey and by course and

Township 31 North, Range 23 East, Mount Diablo Meridian, at a point from

distance to a section corner. If on unsurveyed land, it should be stated.

which the West Quarter Corner of said Section 13 bears N 20° 18' 57" W, 1091.24

feet.

6. The existing permitted point of diversion is located within... NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14,

If point of diversion is not changed, do not answer.

Township 31 North, Range 23 East, Mount Diablo Meridian, at a point from whichthe Northeast Corner of said Section 14 bears N 9° 12' 32" E 1157.00 feet.7. Proposed place of use... Same as existing place of use (not to be changed)

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

The W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 11,

8. Existing place of use...

Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

T. 31N., R. 23 E., MDM, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, T. 31 N.,

manner of use of irrigation permit, describe acreage to be removed from irrigation.

R. 23 E., MDM

January 1

December 31

9. Use will be from... to... of each year.

Month and Day

Month and Day

January 1

December 31

10. Use was permitted from... to... of each year.

Month and Day

Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

1000 ft. deep 10 in. cased water well

specifications of your diversion or storage works.)

connected to existing distribution system via 6" ductile iron buried piping.

State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

\$400,000.00

12. Estimated cost of works...

1 year

13. Estimated time required to construct works...

14. Estimated time required to complete the application of water to beneficial use..... 1 year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

To be used in conjunction with existing Certificates 5082, 5386, 8042 (Remainder) and 11964 to serve the Empire, Nevada, Gypsum product manufacturing facility and community.

United States Gypsum Company

By David B. Carter

s/David B Carter

By P.O. Box 130

Empire, NV 89405

Compared..... jr/bk jr/bk

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 25768, Certificate 8042 is issued subject to the terms and conditions imposed in said Permit 25768, Certificate 8042 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 17998, Certificate 5082; Permit 19985, Certificate 5386; Permit 25768, Certificate 8042; Permit 45164, Certificate 11964; Permits 61434-T and 61435-T shall not exceed 407.764 million gallons annually.

This temporary permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.557 cubic feet per second, but not to exceed 5.0 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 15th day of September

A.D. 1995

[Signature]
State Engineer

DATE SEP 14 1995

(PERMIT TERMS CONTINUED)

temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 14, 1996 at which time all rights herein granted shall revert to the right being changed by this temporary permit.